

**United States**  
**Department of the Interior**  
**Bureau of Land Management**

*Miles City Field Office*

**Walking Canes Allotment**  
**Grazing Permit**

Environmental Assessment (EA)  
DOI-BLM-MT-C020-2013-0081-EA

*For Further Information Please Contact:*

Bureau of Land Management  
Miles City Field Office  
111 Garryowen Road  
Miles City, Montana 59301  
406-233-2800

BLM



**PROPOSED ACTION:** The proposed action is to transfer a portion of the permit for the J Walton Allotment (#00405) to two separate individuals. One portion of the permit will be combined with an existing grazing authorization (#2502354 will be combined in to #2502355) and the other (#2504441) will result in a new authorization and creation of a new allotment. These permits will be issued to the current applicants for a ten year term. The term of the permit will run from March 1, 2013 through February 28, 2023. Under the proposed action the terms and conditions will be issued as outlined below.

GR# 2504441

<b>Bartch Allotment #03345</b>	<b>Livestock Number</b>	<b>Livestock Kind</b>	<b>Grazing Begin</b>	<b>Period End</b>	<b>%PL</b>	<b>Type Use</b>	<b>AUMs</b>
Bartch (North)	51	Cattle	4/01	9/03	89	Active	233
Bartch (South)	3	Cattle	3/01	2/28	100	Custodial	32

Total Active AUMs: 265

**Terms and Conditions:**

Line 1: The north pasture will be grazed within the season described above. The recognized capacity of the public land will not be exceeded and variable number will be allowed.

Line 2: Grazing is not to exceed the surveyed carrying capacity of the public land. Livestock will not be on the public land continuously for the entire season. Livestock numbers are not restricted.

GR# 2502355

<b>Allotment Name</b>	<b>Livestock Number</b>	<b>Livestock Kind</b>	<b>Grazing Begin</b>	<b>Period End</b>	<b>%PL</b>	<b>Type Use</b>	<b>AUMs</b>
Preservation #00389	140	Cattle	5/01	11/01	91	Active	775
	10	Cattle	3/01	2/28	100	Custodial	113
Walking Canes #00405	22	Cattle	3/01	2/28	100	Custodial	261

Total Active AUMs: 265

**Terms and Conditions:**

Line 1: Grazing is authorized for the listed seasons and numbers. Pastures included on the Main Allotment include the Cheer Creek Pasture, South Hungry Cr. Pasture, Gap Pasture, and Costella Coulee Pasture. A deferred rotation will be implemented and AUM's in each pasture will not be exceeded unless prior approval is given by the authorized officer. Actual use will be required within 15 day of livestock leaving the allotment.

Line 2: Custodial pastures include the Scotsman Pasture, Alexander Pasture and lower Hungry Creek pasture. Grazing is not to exceed the surveyed carrying capacity of the public land. Livestock will not be on the public land continuously for the entire season. Livestock numbers are not restricted.

Line 3: Grazing is not to exceed the surveyed carrying capacity of the public land. Livestock will not be on the public land continuously for the entire season. Livestock numbers are not restricted.



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Miles City Field Office  
111 Garryowen Road  
Miles City, Montana 59301-7000

[www.blm.gov/mt](http://www.blm.gov/mt)

In Reply Refer To:  
4100 (MTC021)  
GR# 2502355

May 24, 2013

Walking Canes, LLC  
131 Bitterroot Rd.  
Miles City, MT 59301

Certified Mail No: 70113500000345173712  
Return Receipt Requested

### NOTICE OF PROPOSED DECISION

#### BACKGROUND

The Preservation (#00389) and Walking Canes (#00405) Allotments are located approximately 15 miles southeast of Fort Peck, Montana in McCone County. The Preservation Allotment consists of 4,134 acres of BLM administered lands containing 888 AUMs of authorized active use and 2,527 acres of private lands. The Walking Canes Allotment consists of 1,384 acres of BLM administered lands containing 261 AUMs of authorized active use, 623 acres of State Lands and 6,785 acres of private lands.

The Preservation allotment was assessed for and met Land Health Standards in 2007 and subsequent field visits have confirmed that the standards are being met. The Walking Canes allotment was assessed for and met Land Health Standards in 2002 and subsequent field visits have confirmed that the standards are being met.

In January 2013, Walking Canes, LLC submitted to the Miles City BLM Field Office a deed showing control of the base property associated with these allotments and all other required forms have been submitted and accepted by the Miles City Field Office.

In February 2013, a Miles City Field Office BLM interdisciplinary team initiated an environmental assessment (MT-C020-2013-0081-EA) to analyze the issuance of the grazing permits to Walking Canes, LLC. for the above mentioned allotments. A Finding of No Significant Impact (FONSI) was signed by the authorized officer on March 28, 2013.

#### PROPOSED DECISION

Therefore, it is my proposed decision to issue a grazing permit, which will authorize the grazing of the Preservation (#00389) and Walking Canes (#00405) Allotments to Walking Canes, LLC. The permit will be issued for a ten year term from March 1, 2013 through February 28, 2023. The permit will be issued as follows:

GR# 2502355

Allotment Name and Number	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
Preservation #00389	140	Cattle	5/01	11/01	91	Active	775
	10	Cattle	3/01	2/28	100	Custodial	113
Walking Canes #00405	22	Cattle	3/01	2/28	100	Custodial	261

Preservation Allot. Total active AUMs: 888

Walking Canes Allot. Total active AUMs: 261

### **Terms and Conditions:**

Line 1: Grazing is authorized for the listed seasons and numbers. Pastures included on the Main Allotment include the Cheer Creek Pasture, South Hungry Cr. Pasture, Gap Pasture and Costella Coulee Pasture. A deferred rotation will be implemented and AUMs in each pasture will not be exceeded unless prior approval is given by the authorized officer. Actual use will be required within 15 days of livestock leaving the allotment.

Line 2: Custodial Pastures include the Scotsman Pasture, Alexander Pasture and Lower Hungry Creek pasture. Grazing is not to exceed the surveyed carrying capacity of the public land. Livestock will not be on the public land continuously for the entire season. Livestock numbers are not restricted.

Line 3: Grazing is not to exceed the surveyed carrying capacity of the public land. Livestock will not be on the public land continuously for the entire season. Livestock numbers are not restricted.

### **RATIONALE**

The issuance of the grazing permit is provided through a deed showing control of the base property for these allotments being submitted to the BLM. The deed contains the legal descriptions of the base property associated with these allotments.

Upon receiving all forms, the Miles City BLM Field Office interdisciplinary team initiated an Environmental Assessment (MT-C020-2013-0081-EA) to analyze the issuance of the grazing permit for the allotment. The Finding of No Significant Impact (FONSI) was signed by the authorized officer on March 28, 2013. Existing information indicates the allotment is meeting the Standards for Rangeland Health (43 CFR 4180).

The BLM determined that Walking Canes, LLC meets the qualifications to be an applicant to hold the grazing permit. The issuance of the permit complies with 43 CFR §4110.1, 4110.2-1, and 4110.2-2.

### **AUTHORITY**

The following sections of the Code of Federal Regulations, Chapter 43, provide authority for the actions proposed in this grazing decision. The language of the cited sections can be found at a library designated as a federal depository or at the following web address:

[http://www.blm.gov/style/medialib/blm/wo/Information\\_Resources\\_Management/policy/im\\_attachments/2007.Par.69047.File.dat/IM2007-137\\_att1.pdf](http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2007.Par.69047.File.dat/IM2007-137_att1.pdf)

**§4110.1 Mandatory qualifications**

**§4110.2-1 Base property.**

**§4110.2-2 Specifying permitted use.**

**§4130.2 Grazing permits or leases**

**§ 4120.2 Allotment management plans and resource activity plans.**

**§ 4120.3-2 Cooperative range improvement agreements.**

**§4130.3 Terms and conditions**

**§4130.3-1 Mandatory terms and conditions**

**§4130.3-2 Other terms and conditions**

### **§4130.3-3 Modification of permits and leases**

#### **§4160.1 Proposed decisions**

#### **§4160.2 Protests**

#### **§4160.3 Final decisions**

#### **§4160.4 Appeals**

### **RIGHT OF PROTEST AND APPEAL**

#### **Protest:**

Any applicant, permittee, lessee, or other affected interest may protest a proposed decision under Sec. 43 CFR§4160.1. Any protest shall be made in person or in writing within 15 days after receipt of this proposed decision to:

Todd D. Yeager, Field Manager  
Bureau of Land Management, Miles City Field Office  
111 Garryowen Road  
Miles City, MT 59301

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. In the absence of a protest, the proposed decision will become my final decision without further notice. A written protest electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as a protest. A written protest must be on paper.

#### **Appeal:**

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal may be accompanied by a petition for stay of the decision in accordance with CFR 4.21 9 and 43 CFR 4.471, pending final determination of an appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final (43 CFR 4160.4).

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470, which is available from the BLM office for your use in a BLM office.

The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Miles City Field Office as noted above. The BLM does not accept appeals by facsimile or email.

In accordance with 43 CFR§4.21(b) (1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied.
- 2) The likelihood of the appellant's success on the merits.
- 3) The likelihood of immediate and irreparable harm if the stay is not granted.
- 4) Whether the public interest favors granting the stay.

### **ENCLOSURES FOR REPLY**

Find enclosed two copies of your grazing permit. Please sign both copies and promptly return them both to the Miles City Field Office. Once officially signed by the authorized officer, you will be provided with a signed copy for your records.

Also enclosed is a copy of your BLM allotment map. Review the enclosed map and notify this office of any inaccuracies. Please mark fenceline locations and return the edited map to the office.

If you have any questions on this document please contact Kirk Anderson, Rangeland Management Specialist, at (406) 233-3140 or Reyer Rens, Supervisory Rangeland Management Specialist, at (406) 233-2866.

Sincerely,



Todd D. Yeager  
Field Manager

Enclosed:

- 1) BLM Grazing Permit (2 copies: please sign and return to the Miles City Field Office)
- 2) Allotment Map

AndersonK:lrn:5/23/13:Walking\_Canes\_Decision\_Letter\_AndersonK\_2013